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Kyle Everett

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

In re

BENJA INCORPORATED

Debtor.

Case No. 20-30819 DM

Chapter 11

**DECLARATION OF KYLE  
EVERETT IN SUPPORT OF  
MOTION TO CONVERT CASE TO  
CHAPTER 7**

I, Kyle Everett, declare as follows:

1. I make this declaration in support of the Motion to Convert Case to Chapter 7.

The statements herein are based upon my own knowledge or my information and belief where indicated. If called as a witness, I could and would testify competently to the matters set forth below.

2. Debtor, Benja Incorporated (“Debtor”) filed a voluntary Chapter 11 case on October 15, 2020.

3. The Court granted a motion by creditor Busey Bank to appoint a Chapter 11 trustee in this case on October 26, 2020.

4. The Office of the U.S. Trustee (“UST”) sought my appointment as the Chapter 11 Trustee and the Court approved my appointment on November 3, 2020.

5. Since my appointment, I have been consulting with creditors and independently

1 investigating Debtor's prior affairs and transactions.

2       6.       My investigation has been hindered by the fact that Debtor's principal, Andrew  
3 Chapin, was indicted for various charges by the United States and Mr. Chapin has refused to  
4 provide me with information that might assist with the investigation.

5       7.       Nevertheless, I have engaged in many hours of research of Debtor's financial  
6 transactions and documents related to the transactions and developed a list of transactions that I  
7 believe are likely avoidable. I intend to pursue the recipients of funds from the Debtor and have  
8 identified a number of targets for prosecution of avoidance actions and the like.

9       8.       Based on my investigation, I do not believe there is any business of the Debtor  
10 remaining to operate.

11       9.       At this point, I believe it is appropriate to convert the case to one under Chapter  
12 7. My opinion is based upon, among other things, that Debtor is not currently operating any  
13 meaningful business and the administrative cost of remaining in Chapter 11 and the cost of  
14 proposing and confirming a potential Chapter 11 plan are not justified in this instance.

15       10.      I have consulted with the active parties in the case, including Busey Bank, E-  
16 Revshare Core, LLC, XRC Growth Fund I, L.P. and XRC Fund III, LLC. All of these parties  
17 are in favor of conversion of the case to Chapter 7.

18       I declare under penalty of perjury that the foregoing is true and correct. Executed on  
19 January 15, 2021 in San Francisco, California.

20                               /s/ Kyle Everett  
21                               Kyle Everett  
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